the father of infant children does not absolve him from his legal duty to support such infant children is probably in accord with the holdings in the larger number of states, although there are several states which deny the doctrine principally upon the ground that the relation is a reciprocal one, and where the father is deprived of the custody and services of his child he is likewise relieved of his obligation to support the child. That he is so liable: *Pretzinger* v. *Pretzinger,* 45 Ohio St. 452; *Miller* v. *Miller,* 64 Me. 488; *Buckminster* v. *Buckminster,* 38 Vt. 248; *Courtright* v. *Courtwright,* 40 Mich. 633; *Zilley* v. *Dunwiddie,* 98 Wis. 428; *Kinsey* v. *State,* 98 Ind. 351; *Parkinson* v. *Parkinson,* 116 Ill. App. 112. That he is not liable: *Finch* v. *Finch,* 22 Conn. 411; *Ramsey* v. *Ramsey,* 121 Ind. 215; *Hampton* v. *Allee,* 56 Kan. 461; *Cushman* v. *Hassler,* 82 Iowa 295. Some of the earlier cases held that the obligation to support being that of both parents, a mother who had been awarded the custody of the minor children would be entitled to an action for contribution from her former husband. The doctrine which seems now to be sustained by the weight of authority is stated in a recent Minnesota case, wherein the trial court commenting upon the rule which relieves the father from liability, said, "The reason urged in support of this rule is that the awarding of the custody of the children to the mother deprives the father of their services, and that support and service are in such a case reciprocal, and that the mother, to whom the custody of the children is awarded, must, unless the decree provides otherwise, support them. This is not a good reason; for if the divorce is granted for the father's misconduct it is his wrongful act that deprives him of their services, and not the court, which intervenes for the protection of the children." *Spencer* v. *Spencer* (1906), 97 Minn. 56. To the same effect were the decisions in *Ostheimer* v. *Ostheimer,* 125 Iowa 523, and *Lukowski* v. *Lukowski,* 108 Mo. App. 204. The tendency of the later decisions is to hold the father liable where the divorce proceedings grow out of his own misconduct, and it is likely that the decision in the Minnesota case will be followed in other jurisdictions.

EJECTMENT—WHEN MAINTAINABLE—EASEMENTS.—In an action for the possession of land, overflowed because of the construction of a dam, for the purpose of creating a head of water in a river and raising the volume thereof, *held,* that the legal rights of the plaintiff and the claims of the defendants to a perpetual easement in the flooded area may be adjudicated in an action of ejectment. *Reynolds* v. *Munch et al.* (1907), — Minn. —, 110 N. W. Rep. 368.

The question as to whether ejectment is the proper remedy in this case is governed by *Johnson* v. *Minnesota Tribune Co.,* 91 Minn. 476, decided by the same court in 1904. That was an action in ejectment against a co-owner of a party wall upon which defendant had placed certain ornamental mouldings which projected several inches over the land of the plaintiff. The same contention was made as in the case at bar, that the judgment would be ineffectual because incapable of enforcement by the sheriff. The court held that the plaintiff could be formally reinstated in possession. Upon the principle that ejectment lies only for something tangible, such as may be taken into possession and delivered by the sheriff,

it appears that the action cannot be brought for a mere easement. TYLER, EJECTMENT, p. 41; *Child* v. *Chappell,* 9 N. Y. 246; *Northern Turnpike Co.* v. *Smith,* 15 Barb. 355; *Chamberlain* v. *Donahue,* 41 Vt. 306. The general rule, based upon the common law, is that ejectment will not lie for anything whereon an entry cannot be made or of which the sheriff cannot deliver possession. There is sharp conflict among the authorities upon the question whether ejectment will lie for encroachments upon the possessions of another by projecting cornices, eaves, gutters, etc., but the weight of authority seems rather to give to such interruptions of the owner's possession the nature of nuisances which may be abated as such, than unlawful disseizins for which the action of ejectment will lie. But, whatever may be the state of the authorities elsewhere, the decision in *Johnson* v. *Minnesota Tribune Co.* is made to control, on principle, the case at bar. As early as 1855, in *Sherry* v. *Frecking,* 11 N. Y. Super. Ct. (4 Duer) 452, ejectment was held the proper remedy where an adjoining roof overhung the plaintiff's land, upon the principle that the land embraces all above and below it to an indefinite extent. This case, however, was disapproved in *Aiken* v. *Benedict,* 39 Barb. 400, decided in 1863, and by *Vrooman* v. *Jackson,* 6 Hun 326, in 1876. The doctrine announced in *Sherry* v. *Frecking* was approved in *Murphy* v. *Bolger,* 60 Vt. 723, 15 Atl. Rep. 365, in 1888. The court makes a distinction between cases involving casual or transitory acts and such as affect title to the property, holding that in the former, trespass is the remedy, in the latter, ejectment, and concludes by saying that if possession cannot be delivered by the sheriff, and defendants refuse to abandon the dam after an adjudication against them in this action, the dam would become a nuisance and could be abated in another action.

ESTATE BY ENTIRETY—EFFECT OF MURDER OF WIFE BY HUSBAND.—Land was conveyed to defendant B and wife; complainants, being infant issue of the marriage, and suing by next friend to recover the land, allege that defendant B murdered his wife and later executed a trust deed attempting to bind the title to the land to secure to the other defendants payment of their fees for defending him on indictment for said murder, and that trial on said indictment had resulted in conviction. Defendants demurred to the complaint; the demurrer was overruled; they appealed; and the Supreme Court *held* that the demurrer should have been sustained, notwithstanding the statute (Acts of 1905, c. 11, p. 22), providing "That any person who shall feloniously kill, conspire with another to kill, or procuring to be killed, would inherit property of any kind, belonging to such deceased person at the time of his death, or who would take said property by deed, will, or otherwise, at the death of deceased, shall, forfeit all right, interest and estate in and to said property, and that the same shall go to such other person or persons as may be entitled by the laws of descent and distribution, or by will, deeds or other conveyance made by the deceased when in life." *Beddingfield* v. *Estill* (Feb. 25, 1907), — Tenn. —, 100 S W. 109.

The complainants contended that they were entitled to recover by virtue of the ruling of the court in *Lanier* v. *Box* (1904), 112 Tenn. 393, 79 S. W.